

ADMINISTRATIVE FLEXIBILITIES GUIDE

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Abbreviations used in Guide:

CFR -- Code of Federal Regulations
HCM -- Human Capital Management
USC -- United States Code

INTRODUCTION

MEETING THE HUMAN CAPITAL MANAGEMENT CHALLENGE

The Department of Energy (DOE) is undergoing major changes in mission and priorities due to shifts in our national priorities. As the Secretary of Energy has confirmed, within the overarching mission of national security, Departmental priorities now include: safety and reliability of the nuclear stockpile; support of nuclear strategy; addressing and resolving the threat of weapons of mass destruction; safe, efficient and effective nuclear power plants; the energy production and distribution infrastructure; increased domestic energy production; energy conservation; emerging energy technologies; environmental cleanup and closure; and storage of spent nuclear fuel.

Ensuring and enhancing the competence of DOE's Federal staff is fundamental to the accomplishment of the Department's priorities. Line managers are challenged to hire and retain staff with the knowledge and skills necessary to promote competitive, productive, and efficient work practices based on sound security, environmental, health, and safety standards. They will have to make the maximum use of all available administrative flexibilities to recruit, reward, and retain a high-quality, diverse workforce. This is Human Capital Management (HCM) at its best.

PURPOSE OF THIS GUIDE

The purpose of this Guide is to provide Department of Energy managers and supervisors with information on available flexibilities that can be used in day-to-day human capital management activities, especially those bearing on the recruitment and retention of high-quality staff. Each section of the guide includes a basic description of a particular tool as well as Frequently Asked Questions (FAQ's) related to how to best use such tools in a given set of circumstances or in combination with other flexibilities. Following the sections are additional web-links that provide more detailed information on given subjects.

ABOUT THE FLEXIBILITIES

The flexibilities listed in this Guide are not exhaustive, and the descriptive material provided has been written to be "user-friendly." The Guide, and its companion HCM Flexibilities website, is intended to be a living document, so check back often to see what is new. In using any of these flexibilities, managers should consult with their servicing Human Resources (HR) Office. The HR staff can provide details and "hands-on" assistance on the use of these and other human resource programs and tools for improving workforce excellence, as well as advice on site-specific considerations that might affect managerial decisions in particular situations. Approval for use of various administrative flexibilities may

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involve local supervisors and managers, the servicing HR Office, Department Headquarters, or the United States Office of Personnel Management (OPM).

You should consult with your servicing Human Resources Office, as additional information may be required to support the need for the use of these tools and to support the selection of the particular technique or group of techniques to be used for the positions in question.

COMMENTS

Your questions and comments about the material in this Guide and testimonials on how a flexibility has been effectively used are welcome; they should be sent to Bill Pearce (william.pearce@hq.doe.gov) of the Human Resources Policy & Programs Division. All questions will be answered via email either by the site contact or an appropriate subject matter expert. Your questions, comments, and testimonials may also be added to the HCM web page so that others may learn from the Department's "real world" experiences.

RECRUITMENT BONUS

Overview: Recruitment bonuses of up to 25 percent of basic pay may be paid to high-quality, non-Federal candidates who would not otherwise take a Federal job due to the normal entry level salary being non-competitive with salaries in the labor market. A minimum 6-month service agreement is required from the recipient. The length of a service agreement varies between DOE elements.

Applicability: The recruitment bonus may be used for positions in the General Schedule and for Senior Level, Scientific or Professional, SES, excepted service, Executive Schedule, and Presidential appointees.

Considerations: The bonus is not part of basic pay for any purpose, e.g., retirement, life insurance. Managers who wish to use recruitment bonuses must demonstrate that they have experienced difficulty in recruiting for a specific position or a position similar to the one for which a bonus is being considered. Factors can include offer acceptance rates, proportions of positions filled, and the length of time that was required to fill positions. Managers may also want to consider other factors such as the effect of the bonus on the morale of current employees. Finally, managers should be sure that a recruitment bonus is the right response to recruiting problems; other solutions, such as a superior qualifications appointment authority, should be considered as well.

Basis for Amount: The bonus cannot exceed 25 percent of basic pay (NOT base pay plus locality pay), and should be the least amount necessary to recruit the candidate. The amount of the bonus is based on the candidate's current salary and salary history, current benefits in comparison to those offered by the Federal Government, other earned income, and salary increases already scheduled. The bonus amount can also reflect other bona fide job offers to the candidate, salaries offered to others for the same or similar positions in the local commuting area, and special skills and qualifications required to meet a specific need. Also, the bonus must reflect budget considerations.

Combined Use: The recruitment bonus may be used in combination with dual compensation restriction waivers, superior qualifications appointments, and special salary rates.

Payment: The bonus is paid as a lump sum and may be paid prior to or following the employee's entry on duty.

Authorization Level: The Executive Resources Board for all SES, Senior Level, Scientific and Professional positions; for other positions, Heads of Departmental Elements.

References: 5 USC 5753 (<http://uscode.house.gov/usc.htm>)
5 CFR 575, subpart A (<http://www.opm.gov/cfr/index.htm>)

RECRUITMENT BONUS: FAQ's

Q1. What can I promise prospective employees at a job fair regarding recruitment bonuses?

A1. If the position being offered meets the requirements of a difficult-to-fill position, you may promise the prospective employee that, pending approval by the designated approving official, you will make a written offer of employment. This will be followed by a lump sum bonus upon execution of the applicant's signed written service agreement with the agency. The minimum allowed service period is 6 months.

Q2. Can I offer a recruitment bonus to a prospective employee who will probably move on to the private sector in a couple of years?

A2. Yes, even an individual who receives a temporary appointment may be eligible as long as the appointment lasts at least 6 months. A recruitment bonus may be a good alternative to more long-range recruitment options such as superior qualifications appointments.

Q3. If I offer a recruitment bonus for one position, do I have to offer it for all positions under recruitment at that time? Should recruitment bonuses be a regular feature for all vacancies?

A3. No, the recruitment bonus should only be used when considered necessary to attract highly-qualified candidates who might otherwise not accept a job offer; however, a manager may target groups of positions that have been difficult to fill in the past or that are likely to be difficult to fill in the future, and may make the required written determination to offer a recruitment bonus on a group basis.

Q4. Can a recruitment bonus be paid over 2 years, so as to minimize tax consequences to the recipient?

A4. No. This is a one-time, lump-sum payment in the employee's first pay.

Q5. Should the length of the service agreement be linked to the size of the bonus?

A5. Beyond the minimum 6 months, this determination is optional with the organization, depending on the difficulty of filling the position and on individual circumstances.

RECRUITMENT BONUS: *FAQ's (cont.)*

Q6. Can a service agreement required for a recruitment bonus be combined with another service agreement (such as one required for a Student Loan Repayment) and be served concurrently?

A6. Yes, provided it is done consistent with the agency's plans covering its various recruitment options.

Q7. Is a recruitment bonus paid only AFTER the employee joins the Federal service?

A7. Yes; it is paid to a newly-appointed employee; however, the employee must have a signed, written service agreement in effect before payment can be made. This incentive and related documentation should be resolved prior to the employee entering on duty.

Q8. If an employee signs a service agreement for 2 years but leaves the agency after 1 year, would the employee owe the agency any money?

A8. Yes, the employee must repay the portion of the bonus attributable to the uncompleted period. If employed by another Federal agency, the debt will be recovered by the administrative offset procedure. The exception is that no repayment is required if the employee is involuntarily separated (for reasons other than misconduct or delinquency).

Q9. Can I pay a recruitment bonus to an employee who would already receive a special salary rate, such as an information technology specialist?

A9. Yes, if all other requirements are met and the special salary rate alone fails to attract qualified candidates. Unlike the special salary rate, however, a recruitment bonus is not considered part of an employee's rate of basic pay for any purpose.

Q10. Do recruitment bonuses count toward the Executive Level I aggregate limitation on pay?

A10. Yes.

Your questions are also welcome, and should be forwarded to Bill Pearce (william.pearce@hq.doe.gov) of the Human Resources Policy & Programs Division. All questions will be answered via email or through a contact from the appropriate subject matter expert. Questions may also be added to the HCM website so that others may learn from your "real world" experiences.

RELOCATION BONUS

Overview: Relocation bonuses of up to 25 percent of basic pay may be paid to attract high-quality, Federal employee candidates to positions that are difficult to fill or to keep filled. A minimum 6-month service agreement is required from the recipient.

Applicability: The relocation bonus may be used for newly-appointed and current Federal employees who must relocate to different commuting areas and who are appointed to positions without time limitations or to a temporary appointment of at least 2 years. Positions covered include those in the General Schedule, and for Senior Level, Scientific or Professional, SES, excepted service, Executive Schedule, and Presidential appointees.

Considerations: The need for a relocation bonus is shown by the difficulties encountered in filling the position with a high-quality candidate, including information about the success or failure in recent efforts to recruit high-quality candidates for the position or a similar position (such as offer acceptance rates, proportion of positions filled, length of time required to fill the positions, recent turnover data in similar positions, and labor market factors that affect recruiting for high-quality candidates in the position now or in the future).

Basis for Amount: The amount of the bonus is based on a comparison between the existing and new areas, whether the position is in a shortage category, special qualifications of the employee, special need of the Department, and the inconvenience of relocation to employees and their families. A service agreement is required at the new duty station. The bonus cannot exceed 25 percent of basic pay (NOT base pay plus locality pay).

Combined Use: The relocation bonus may be used in combination with other flexibilities, including dual compensation restriction waivers, retention allowances, and special salary rates.

Payment: The bonus is paid as a lump sum and may be paid prior to or following the employee's entry on duty at the new site. The employee must establish a residence in the new commuting area before the bonus may be paid.

Authorization Level: The Executive Resources Board for all Senior Executive Service, Senior Level, Scientific and Professional positions. For all other positions, Heads of Departmental Elements.

References: 5 USC 5753 (<http://uscode.house.gov/usc.htm>)
5 CFR 575, subpart B (<http://www.opm.gov/cfr/index.htm>)

RELOCATION BONUS: *FAQ's*

Q1. May we pay relocation bonuses to employees receiving a special rate or retained rate?

A1. Yes, relocation bonuses may be paid to employees receiving a special rate or retained rate. Special rates and retained rates are also considered basic pay for this purpose.

Q2. Are relocation bonuses only for use in moving current Federal employees?

A2. Yes.

Q3. May we pay or offer relocation bonuses to newly-appointed employees prior to their entry on duty?

A3. No, unless the employee is a current Federal employee.

Q4. May we pay a relocation bonus to an employee who is temporarily appointed to a position in a different commuting area?

A4. Yes, a relocation bonus may be paid to an employee who is appointed without a break in service to a position in a different commuting area or whose duty station has changed permanently or temporarily to a different commuting area, assuming all other conditions are met.

Q5. May we pay a relocation bonus before an employee establishes a residence in the new commuting area?

A5. No, an employee must establish a residence in the new commuting area before the agency may pay a relocation bonus.

Q6. What is required in determining whether a position would be difficult to fill without a relocation bonus?

A6. You must consider the following, as applicable: the success of recent efforts to recruit candidates for similar positions, recent turnover in similar positions, labor-market factors, and special qualifications needed in the position.

Q7. May we pay relocation bonuses in lieu of reimbursing an employee for relocation expenses under the General Services Administration's (GSA's) Federal Travel Regulations?

A7. No. Relocation bonuses have no effect on an employee's entitlement to reimbursement for relocation expenses under GSA's Federal Travel Regulations and should not be paid in lieu of reimbursing the employee for such expenses.

RELOCATION BONUS: *FAQ's (cont.)*

Q8. May we authorize relocation bonuses for groups or categories of employees?

A8. Yes, when the employees belong to a group subject to a mobility agreement and relocation bonuses are necessary to retain such employees, or when a major organizational unit is relocated to a different commuting area and relocation bonuses are necessary to ensure the continued operation of that unit without undue disruption to the agency's mission or service to the public.

Q9. What happens if an employee does not fulfill a relocation bonus service agreement?

A9. The employee must repay the portion of the bonus attributable to the uncompleted period unless involuntarily separated or unless the agency determines, in writing, that it is necessary to relocate the employee to a position in a different commuting area.

Q10. Are relocation bonuses considered part of an employee's rate of basic pay for retirement and other purposes?

A10. No.

Q11. Do relocation bonuses count toward the Executive Level I aggregate limitation on pay?

A11. Yes.

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RETENTION ALLOWANCE

Overview: Retention allowances of up to 25 percent of basic pay may be paid to high-quality employees who are likely to leave the Federal Government and whose services the Department considers essential.

Applicability: Positions covered include those in the General Schedule, and for Senior Level, Scientific or Professional, SES, excepted service, Executive Schedule, and Presidential appointees. Retention allowances may not be offered to employees who have not yet fulfilled obligations pursuant to service agreements established in connection with relocation and/or recruitment bonuses.

Considerations: Managers can demonstrate the need for a retention allowance by determining first that a particular employee is likely to leave Federal service; then the manager must determine if the employee's leaving would adversely affect the organization's ability to conduct essential activities/functions. Also, the manager should consider data on the difficulty of replacing the employee: offer acceptance rates, proportion of positions filled, length of time required to fill the position, and availability in the labor market of other suitable candidates. Retention allowances are established on an annual basis, and must be reviewed at least annually.

Basis for Authorization: The amount of the allowance is based on whether a special need exists within the manager's organization, whether the allowance is cost effective, whether funds are available, and whether the allowance makes sense in terms of overall organizational goals and staffing allocations. The allowance cannot exceed 25 percent of the employee's basic pay (NOT base pay plus locality pay).

Combined Use: The retention allowance may be used in combination with dual compensation restriction waivers, recruitment and relocation bonuses (provided there are no service agreements in effect), and special salary rates.

Payment: The allowance is calculated as a percentage of base pay and paid in the same manner and at the same time as basic pay (i.e., biweekly for most DOE employees). The allowance is not considered part of basic pay for any purpose.

Authorization: The Executive Resources Board for Senior Executive Service, Senior Level, Scientific and Professional positions; for all other positions, Heads of Departmental Elements.

References: 5 USC 5754 (<http://uscode.house.gov/usc.htm>)
5 CFR 575, subpart C (<http://www.opm.gov/cfr/index.htm>)

RETENTION ALLOWANCE: *FAQ's*

Q1. If I pay a retention allowance to an employee who is being recruited by a private sector contractor, can I insist on a service agreement, just like a recruitment bonus?

A1. No. There is no provision in law or regulation requiring a service agreement when an employee receives a retention allowance.

Q2. Can I offer a retention allowance to a group of employees in a particular occupational group, such as Facility Representatives?

A2. Group retention allowances are permissible for specific occupational groups that are historically difficult to retain. A retention allowance of up to 10 percent of basic pay (or up to 25 percent with OPM approval) may be authorized for specific occupational groups.

Q3. An employee just completed her advanced degree; can I offer her a retention allowance for this?

A3. No, completion of an advanced degree by itself does not qualify an employee for a retention allowance; however, if the employee occupies a hard-to-fill position and possession of the advanced degree made the employee more attractive to prospective non-government employers, this might lead to the offer of a retention allowance in the future if the allowance is consistent with the staffing plan in the manager's organization (i.e., if the manager's organization had a policy of giving allowances under these circumstances).

Q4. One of my employees is leaving for a position with another Federal agency. Can I offer a retention allowance to this employee?

A4. No, the employee must be leaving the Federal service.

Q5. Can I offer a retention allowance to someone who already receives a special salary rate, such as an information technology specialist?

A5. Yes, if all other requirements are met and it is determined that the special salary rate alone will fail to retain a needed employee. Unlike the special

RETENTION ALLOWANCE: *FAQ's (cont.)*

salary rate, however, a retention allowance is not considered part of an employee's rate of basic pay for any purpose.

Q6. I know of a highly specialized person in the private sector who will not come to work in the Federal service unless we offer her a retention allowance; is that allowable?

A6. No. A recruitment bonus possibly in combination with a special salary rate and/or a superior qualifications appointment would be the most appropriate way of attracting such an employee; however, the payment of a retention allowance could be appropriate for such an employee after the service period established in that employee's recruitment bonus agreement had expired.

Q7. Can I offer an allowance to someone who is considering retirement?

A7. Yes. Since by retiring the employee would be leaving government service, a retention allowance would be a way of retaining that employee's presumably critical skills.

Q8. Can I agree to pay a retention allowance indefinitely?

A8. No. Retention allowances are appropriate only as long as the conditions giving rise to the original determination to pay the allowance still exist. Retention allowance authorization must be reviewed at least annually to determine whether payment, or the amount, is still warranted. You may continue payment of the allowance as long as the conditions giving rise to the original determination to pay the allowance still exist. You should develop a plan for regularly reviewing retention allowances.

Q9. Do retention allowances count toward the Executive Level I aggregate limitation on pay?

A9. Yes.

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REPAYMENT OF STUDENT LOANS

Overview: Eligible student loans may be repaid up to \$6,000 per calendar year/\$40,000 total amount to assist in the recruitment and retention of candidates for hard-to-fill positions.

Applicability: This authority applies to employees covered under the General Schedule (GS) and other-than-GS pay rates (e.g., those in pay bands), except those excepted service employees appointed under the Schedule C authority, in all positions and who are appointed on a permanent appointment, an appointment that will lead to conversion to a term or permanent appointment (including Career and Presidential Interns) with a duration of at least 3 years, or a term appointment with a duration of at least 3 years.

Considerations: An approving official must take into consideration the need to maintain a balanced workforce in which women and members of racial and ethnic minority groups are appropriately represented and should consider past problems, or other information, on recruiting highly qualified candidates in similar occupations; labor market conditions; any special qualifications, skills, or education need for the subject position; if employed, demonstrated proficiency in performing the tasks and functions required by the subject position; the appropriateness of this incentive in lieu of, or in addition to, other incentives; the availability of funds; if attending school, the candidates' grade point average (GPA); and, if a current employee, the cost of training already given compared to what would be needed by a new employee who does not possess the skills. A minimum 3-year service agreement that must be signed.

Basis for Amount: In determining the size of the loan payments, an approving official should consider the value of the candidate to the need of the organization and how far in advance the organization can commit funds. Local implementation plans address the maximum amount authorized and the service period associated with the size of the payment.

Combined Usage: This incentive may be used in conjunction with any other incentive.

Payment: Payments must be made directly to lenders/note holders, rather than the employee. Payments may be made by the payroll office on a one-time basis each calendar year or through biweekly distributions.

Authorization: Heads of the Departmental Elements.

REPAYMENT OF STUDENT LOANS: *FAQ's*

- Q1. Can any employee who has an outstanding student loan receive repayments under this authority?
- A1. Probably not. Organizations must establish a plan that identifies which occupations will be eligible for them. Priority must be given to balancing your workforce in terms of women and minorities.
- Q2. What is the amount of payments that can be made for a prospective employee?
- A2. Up to \$6,000 per year may be paid. The maximum total payments may not exceed \$40,000 while at DOE.
- Q3. How much can a prospective employee who would be transferring to DOE receive when the candidate has been receiving repayments?
- A3. The maximum amounts apply to each agency; however, it may be necessary to “buy out” the candidate’s existing agreement if the candidate has not completed the service period with his/her current agency. When it is necessary to “buyout” an agreement, any amount paid to the other agency on behalf of the employee would be deducted from the maximum amount that could be paid with DOE.
- Q4. How long must an employee work at DOE to satisfy a service agreement?
- A4. The minimum service period required by law is 3 years. Service periods may last longer than that.
- Q5. What happens if the employee doesn’t complete his/her service period in DOE?
- A5. If the employee will be terminating his/her agreement because of a management-initiated action, such as a directed reassignment or transfer of function, then the employee will be responsible for completing the agreement with the gaining organization. However, if the employee voluntarily transfers to another Departmental Element or agency, then, if the gaining organization doesn’t reimburse the losing organization, the employee must refund all payments made.
- Q6. Can this authority be used in conjunction with recruitment or relocation bonuses or retention allowances?
- A.6 Yes, it may be used in conjunction with, or in lieu of, bonuses and retention allowances.

SUPERIOR QUALIFICATIONS APPOINTMENT

Overview: Candidates who have unusually high or unique qualifications the Department needs may be offered pay at a step within the General Schedule (GS) grade rate range above the first step.

Applicability: A superior qualifications appointment (also referred to as “advanced-in-hire”) applies to new hires in GS positions at GS-15 or below. Former Federal employees must have had a break in service of at least 90 days unless the employment was with the District of Columbia government beginning on or after October 1, 1987, as an expert or consultant, a selected temporary appointment made in connection with completing an advanced academic degree, or under certain student programs (or other employment programs not associated with the Department of Energy).

Considerations: The use of a recruitment bonus must also be considered. Documentation on why the superior qualifications appointment was used instead of, or in addition to, a bonus is required. The candidate’s qualifications must be superior and the Federal Government must have a special need for the candidate’s qualifications. Recruitment efforts that have been undertaken to fill the position must evidence the need for superior qualifications.

Basis for Amount: Payment is established within the rate range (steps 2 through 10) of the grade for which the candidate has been selected. The advanced pay rate is based on a comparison of total compensation that the candidate’s currently receiving, or formerly received, and the proposed Federal Service position, as well as on the candidate’s unwillingness to accept the job offer at less than an advanced pay rate.

Combined Use: Superior qualification appointments may be used in combination with other flexibilities, such as recruitment and relocation bonuses, dual compensation waivers, and special salary rates.

Payment: Recipient of a superior qualification appointment would be paid a salary commensurate with the higher step of the applicable salary schedules, including locality pay.

Authorization: Heads of Departmental elements.

References: 5 USC 5333 (<http://uscode.house.gov/usc.htm>)
5 CFR 531.203 (<http://www.opm.gov/cfr/index.htm>)

SUPERIOR QUALIFICATIONS APPOINTMENT: *FAQ's*

Q1. Can I offer a superior qualifications appointment to a recent college undergraduate who graduated with a grade point average of 3.9 or higher?

A1. No—not because of the grade point average alone. Superior qualification appointments are based on unusual skills, such as specialized certification; not academic standing. A college graduate, however, with a grade point average of 3.5 or higher may be initially appointed to a GS-7 advanced level trainee position as opposed to a GS-5 beginning level trainee position. Thus, a graduate with a 3.9 GPA who also has a specialized certification, such as LAN Administrator, may be a candidate for a superior qualifications appointment.

Q2. Would a recipient of this type of appointment need to sign a service agreement?

A2. No, unless another incentive requiring a service agreement was offered (e.g., a recruitment bonus, in which case a service agreement of at least 6 months would be required).

Q3. I note that the “total compensation” of the person being hired would be compared with Federal compensation to determine whether to offer an “advance in-hire.” Who performs that comparison? How is it done?

A3. Your servicing HR office will compile this information, based upon information provided by the prospective employee, and provide it to managers for their decision. For example, if the person with exceptional qualifications had a similar position in private industry, they could be requested to furnish a pay statement, along with documents describing their total salary and benefits package. This information could then be compared with the steps in the grade of the position being offered and a determination made as to how closely we need to match the private sector salary.

Q4. If one person is offered an “advance-in-hire,” won’t others expect the same thing?

A4. Others may expect the same and managers should consider this; however there is no entitlement to an “advance-in-hire.” Further, an advance in-hire means that although the new person’s starting pay may be different for people in the same grade, his/her responsibilities will be the same; managers should carefully consider the implications--both budgetary and human--of the incentives that they are considering. “Advance in-hires” presumes a shorter “learning curve” for new employees because of the qualifications they bring to the job.

Q5. Why are superior qualification appointments offered by some offices and not by others?

A5. The need to use superior qualifications appointments may be based upon the mission of the organization, local market conditions, and their history of attracting and retaining certain types of employees. For example, a fairly remote DOE site may need to offer an “advance in-hire” to attract an employee to that remote location. Budgetary considerations may also play a role.

Q6. If a superior qualifications appointment results in an employee being hired at the fourth step of a grade, would that person have to wait 2 years for a within-grade increase? Wouldn't that be a problem, too?

A6. Yes, the employee would have to wait 2 years to move to step 5; however, there may be other flexibilities that can be used in your organization. Check with your HR office about your performance management plan. The plan may allow for monetary awards for outstanding performance, such as Quality Step Increases, or special act awards for individual projects.

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DUAL COMPENSATION RESTRICTION WAIVER

Overview: The restriction on a Federal civilian retiree being hired and receiving dual compensation (i.e., retirement and salary) may be waived when there is exceptional difficulty in recruiting or retaining a highly qualified employee for the position, or to meet temporary emergency hiring needs.

Applicability: Applies to civilian Federal Government retirees, also referred to as “reemployed annuitants,” for any pay system or position.

Considerations: The manager must show that there is an exceptional difficulty in recruiting or retaining a qualified employee, or that a specific temporary emergency situation required the employee’s services. Information must be provided documenting the recruitment difficulties, or the nature of the emergency situation. This would include, for example, the number of vacancies in the series, grade, or location; average annual turnover; average time positions remain vacant; number and quality of candidates; and description of recruiting efforts. The manager must also show that other alternatives have been considered, such as reengineering or redistribution of work, or retraining of current employees.

Basis for Amount: If approved, the employee would receive basic pay for any pay system or position plus full Federal Service retirement annuity, with no offset applied.

Combined Use: A dual compensation restriction waiver may be used in combination with other flexibilities, such as recruitment bonuses, superior qualifications appointments above the minimum rates, and special salary rates.

Payment: Regular pay method and location.

Authorization: U.S. Office of Personnel Management (OPM). Request submitted by the Secretary or his designee.

References: 5 USC 5531 & 5532 (<http://uscode.house.gov/usc.htm>)
5 CFR 553, subpart A (<http://www.opm.gov/cfr/index.htm>)

DUAL COMPENSATION RESTRICTION WAIVER: *FAQ's*

Q1. How long does it take to get this waiver? Who can help me write up the request?

A1. Approval of the waiver by OPM normally occurs within 2 to 4 weeks. The Office of Human Resources Policy & Programs can assist you and your servicing Human Resources Office in preparing the request.

Q2. Can I offer a retention allowance to an employee for whom we are also requesting a waiver?

A2. Yes. Dual compensation restriction waivers may be used in combination with other flexibilities, such as retention allowances, recruitment bonuses, superior qualifications appointments above the minimum rates, and special salary rates. In fact, use of these other flexibilities should be considered first.

Q3. Is this waiver permanent?

A3. The Department may request, or OPM may specify, a time limit for the waiver. If the agency wishes to continue the waiver beyond the specified time, the request for renewal must demonstrate that the conditions justifying the initial waiver still exist.

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EXCEPTED SERVICE APPOINTMENT AUTHORITIES

Overview: DOE has three excepted service appointment authorities available as important tools to recruit and retain high-quality staff. Use of the excepted service authorities can expedite the hiring process and provide pay flexibilities to enhance recruitment and retention of key technical and other critical staff. They also support the Department's commitment to achieve the highest standards of scientific, engineering, technical, and professional excellence in its workforce.

Applicability: Authority to fill scientific, engineering, and technical positions performing activities relating to the safety of the Department's defense nuclear facilities and operations was initially included in the National Defense Authorization Act for 1995. This authority can only be used for scientific, engineering, or technical defense nuclear facilities safety-related positions. The excepted service appointment authority found in Section 621(d) of the DOE Act may also be used in hiring up to 200 high-quality individuals, who may otherwise be difficult to attract and retain under current competitive service rules. The National Nuclear Security Administration also has an excepted service authority that may be used to facilitate the hiring of exceptionally qualified employees.

Considerations: The excepted service authorities may be particularly useful to organizations needing to attract exceptionally well-qualified (i.e., "world-class") employees in hard-to-fill positions or when offers must be made quickly to ensure competitive consideration by a highly qualified candidate. Also, excepted service flexibilities can be useful to organizations undergoing restructuring and associated skills mix concerns.

Payment: Pay under the excepted service personnel authorities may be established up to an amount provided for by Executive Level III. Broad salary bands, in contrast to setting pay under the more traditional GS/SL/SES systems, govern pay administration in the excepted service.

Authorization: Further guidance on the appropriate use of excepted service authorities may be obtained from your servicing Human Resources Office or the Executive & Technical Resources Division (ME-531) at Headquarters. Actions to fill positions under these authorities are subject to review and approval by the Department's Executive Resources Board if pay levels meet or exceed salary levels for Senior Executive Service (SES) positions.

References: Section 621(d), DOE Act (Pub. L. 95-91);
Section 3161(a), National Defense Authorization Act (Pub. L. 103-337) Authorization Act (Pub. L. 103-337).

EXCEPTED SERVICE APPOINTMENT AUTHORITIES: *FAO's*

Q1. Give me examples of when use of an excepted service authority might be a good idea.

A1. Excepted service authorities may be especially useful in attracting highly technical persons for particular “stand alone” projects that are expected to end within a year or 2. You could attract employees who are interested in government experience but who do not want to make the Federal government a career. Another example of good use of these authorities is when an organization needs to pay an employee a competitive salary but doesn’t want to attach managerial responsibilities to the position to enhance the grade and pay.

Q2. Could I appoint a current competitive service employee to a position in the excepted service?

A2. Yes. The employee should be advised of any differences between the competitive service and the excepted service.

Q3. What types of pay setting flexibilities are available using the excepted service?

A3. Pay is set within pay bands that are much broader than the traditional GS system. Five pay bands are used and they cover pay from the GS-5 up to the SES level. Managers can set pay at any point within each of the five pay bands.

Q4. What types of hiring flexibilities are available using the excepted service?

A4. Hiring flexibilities include reducing or eliminating the formal vacancy announcement process and the use of targeted recruitment for hard-to-fill positions. You should consult your servicing HR office about these flexibilities.

Q5. Are there limitations on the type of positions that may be filled using excepted service?

A5. Yes. As an example, positions that are “SES equivalent” may not be filled as excepted service positions. Other limitations depend on which excepted service hiring authority you wish to use. Consult your servicing HR office for specific information.

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PAYMENT OF EXPENSES FOR PROFESSIONAL CREDENTIALS

Overview:	Expenses may be paid for employees of eligible occupations to obtain initial and subsequent renewals of professional credentials, including accreditations, state-imposed and professional licenses, and certifications, and examinations to obtain such credentials when payment contributes to recruitment, retention, career development, or worker transition objectives.
Applicability:	This authority may apply to all employees except Presidential appointees, non-career members of the Senior Executive Service, and excepted service employees appointed under Schedule C.
Considerations:	A Departmental Element can decide which expense(s), if any, should be paid based on the following factors: the organizations; mission and budget; equity among employees; the value of a credential to the organization or, in the case of a worker transition situation, to DOE or the Government; an employee's need for self-development; and the administrative burden on finance staffs. Payments for initial credentials are taxable; whereas job-related renewals are non-taxable.
Basis for Amount:	There is no limit on the amount of the payment(s).
Combined Usage:	This incentive may be used in conjunction with any other incentive.
Payment:	Payments should be made on a reimbursable basis by local finance offices.
Authorization:	Heads of Departmental Elements.

PAYMENT OF EXPENSES FOR PROFESSIONAL CREDENTIALS:
FAQ's

Q1. What credentials are covered?

A1. Credentials covered include professional accreditations, licenses, or certifications that are either directly related to employees' positions (e.g., in employees' individual development plans) or that are considered to further DOE interests (e.g., credentials that are desired for the development of knowledge, skills, and abilities in response to mission/function changes or that contribute to recruitment, retention, career development, or worker transition objectives).

Q2. What expenses are covered?

A2. 5 U.S.C. §5757 (Public Law 107-107, §1112) states that "(a)n agency may use appropriated funds or funds otherwise available to the agency to pay for

- (1) expenses for employees to obtain professional credentials, including expenses for professional accreditation, state-imposed and professional licenses, and professional certification; and
- (2) examinations to obtain such credentials."

The following expenses associated with obtaining a professional credential may be covered:

- a. fee(s) for the professional credential, including any renewal fee(s);
- b. fee(s) to take an examination or series of examinations;
- c. in limited instances, travel expenses (see Q & A 7 and 8); and
- d. in limited instances, membership fees (see Q&A 9).

Q3. Is there a limit on the amount of expenses that can be paid an employee?

A3. No; however, organizations may want to set an annual limit for budgetary purposes and/or to ensure consistency among employees.

Q4. What examinations are covered?

A4. Any examination or series of examinations that result(s) in obtaining a professional credential are covered.

Q5. Does this authority cover travel expenses associated with obtaining a credential or license?

PAYMENT OF EXPENSES FOR PROFESSIONAL CREDENTIALS:
FAQ's (cont.)

- A5. Any travel expense associated with taking an examination under this authority may be covered as an official travel expense in accordance with the Federal Travel Regulations.
- Q6. When may membership fees be paid?
- A6. Although the language in 5 U.S.C. §5757 does not specifically authorize payment for membership fees, the authority to include payment of membership fees may be assumed when membership is a prerequisite to obtaining a credential.
- Q7. Is a service agreement required when this authority is used?
- A7. No, a service agreement is not required, but may be used if desired.

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TRAVEL EXPENSES FOR INTERVIEWS

Overview: Payment is authorized for expenses of an individual traveling to and from a pre-employment interview for any Federal Service position that is not limited to 1 year or less. The purpose of the interview must be to assess the individual's qualifications for a position or, in the case of a shortage occupation, to interest a candidate in the position. This applies to individuals under consideration for appointment or relocation.

Considerations: The necessity of conducting an interview should be considered as well as the possibility of the interview being conducted by a Department official in the geographic location of the candidate. Other considerations include the availability of funds and assurance that this provision is being used equitably in a manner consistent with merit principles.

Basis for Amount: Reimbursement is based on Federal Government standard travel policy and regulations.

Combined Usage: Reimbursement of travel expenses for interviewing may be used in combination with dual compensation restriction waivers, recruitment and relocation bonuses, superior qualification appointments above minimum rates, and special salary rates.

Payment: Reimbursement is made after submission and approval of the travel expense form and required cost receipts.

Authorization: Local management through the servicing Human Resources office.

References: 5 USC 5706 (b) (<http://uscode.house.gov/usc.htm>);
5 CFR Part 572.1 (<http://www.opm.gov/cfr/index.htm>);
DOE Order 1500.2A.

TRAVEL EXPENSES FOR INTERVIEWS: *FAQ's*

Q1. I note that the expenses are reimbursed. Is there any way that the job candidate can receive an advance?

A1. Yes. Payment of travel and transportation expenses will be in accordance with the Federal Travel Regulation.

Q2. Do I have to give every candidate for a specific position travel reimbursement if I give reimbursement to one?

A2. No. This is your option based on funds available and the relative qualifications of the competing candidates.

Q3. If I select a candidate who was given travel reimbursement, can I require a service agreement?

A3. No, unless another recruitment incentive requiring a service agreement was offered.

Q4. Can we pay for travel of a spouse to accompany a candidate to the interview site?

A4. No, payment may be made only for travel of the candidate.

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TRAVEL & HOUSEHOLD GOODS FOR NEW HIRES

Overview: Payment may be authorized for the expenses of a new hire's travel and transportation of household goods to their first duty station for any position regardless of whether a shortage of candidates exists. The appointment cannot be limited to 1 year or less.

Considerations: A review should be made of the sufficiency of qualified candidates for the position within the local geographic area. Also, the availability of funds office must be considered.

Basis for Amount: Expenses covered include transportation costs for the new hire and immediate family, per diem for the new hire while en route from old residence to first duty station, transportation of household goods, and temporary storage of household goods.

Combined Use: Reimbursement for a new hire's travel and household goods and transportation to the first duty station may be used in combination with dual compensation restriction waivers, recruitment and relocation bonuses, superior qualifications appointments, and special salary rates.

Payment: Reimbursement is made after submission and approval of the required travel expense form(s) and cost receipts. The employee must sign an agreement to remain in Federal Service for 12 months. Indebtedness will occur due to failure to complete the 12 months employment unless a waiver is approved.

Authorization: Local management through the Servicing Human Resources office.

References: 5 USC 5723 (<http://uscode.house.gov/usc.htm>);
5 CFR Part 572 (<http://www.opm.gov/cfr/index.htm>);
40 CFR Part 302;
41 CFR 302-1.10(b);
DOE Order 1500.2A.

TRAVEL & HOUSEHOLD GOODS FOR NEW HIRES: *FAQ's*

Q1. Can managers put a dollar limit on reimbursement of expenses?

A1. No. Once the decision has been made to pay relocation expenses for a new hire, all allowable relocation expenses must be paid.

Q2. Can a new hire get an advance for this expense?

A2. Yes.

Q3. Does this cover a house-hunting trip?

A3. No. Reimbursement of expenses for house hunting is not allowed.

Q4. Does the travel have to be from the new hire's home? Can the travel and transportation be from the new hire's university location?

A4. Travel and transportation expenses are paid from the employee's principle place of residence.

Q5. Does it make any difference if the new hire chooses to use a "U-Haul" mode or have a national company move his/her household goods?

A5. No, it makes no difference. Employees may use a "U-Haul" if they prefer.

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DOE CAREER INTERN PROGRAM (CIP)

Overview: This new 2-year corporate entry-level developmental program maximizes use of new hiring authorities and pay flexibilities to attract and retain highly qualified, diverse technical and administrative/management candidates. It provides work and developmental training and experiences that provide a broad overview of the breadth, complexity, and importance of DOE's mission. A new, dual-track feature allows participants to initially take common core training, with subsequent training divided into scientific/engineering and business tracks according to the participants' target position.

Considerations: The DOE Career Intern Program is built around the new Federal Career Intern Appointing Authority. This 2-year excepted service authority, designed for use with entry level developmental programs, provides maximum flexibility in recruitment strategy design, targeted recruitment, ease of hiring and conversion to permanent appointment after completion of program requirements. Recruitment and hiring are carried out at the local level with corporate support. Program participants are employees of the hiring site.

The Program provides participants with a well-rounded understanding of the Department and its missions. It provides certain required common training, as well as engineering/scientific and business training tracks. The corporate training and development objective provides the participants with a broad overview of DOE, its business lines, and how it accomplishes its missions.

Each participant's field or program office will provide the majority of the participant's in-depth training and development. This training and development is intended to establish a foundation of knowledge and experience for the participant. The program's flexible structure allows field or program offices to incorporate any training standard or requirement identified by the supervisor as part of the participant's CIP training regime.

Combined Use: Pay flexibilities include special salary rates for certain occupations; recruitment and/or relocation bonuses, superior qualifications appointments; and the new student loan repayment option. Pay flexibilities can be used alone or in combination to craft a compelling offer to attract candidates.

Authorization: Local managers may explore taking advantage of this program by contacting their servicing Human Resources office or the Office of Training & Human Resource Development (ME-51) at Headquarters.

References: Executive Order 13162;
5 CFR Part 213.3202 (o).

DOE CAREER INTERN PROGRAM: FAQ's

Q1. Can I hire career interns in any job series? Are there any limitations on grade level?

A1. A program office may limit the recruitment and selection of interns to specific occupations or series. Generally, it is important for the program office to first decide how it will use its interns--by identifying program needs and project areas--so that it will be able to set training and experiential plans that can take advantage of the intern's academic background, current skills and developing competencies. As to limitations on grades, the DOE career intern program targets grades 5, 7 and 9--that's what makes the program such a good one for hiring entry-level employees. Career interns can be hired into higher graded positions, and they can be promoted to a grade higher than grade 9--but, for hires, DOE must first have approval from OPM.

Q2. Are there any funding requirements?

A2. Yes, the hiring office is responsible for the intern's salary, travel, local training, and other costs.

Q3. Is a written test part of the application process?

A3. The program office can make the application process fairly short and straightforward--as long as the process used can help identify current or potential competencies needed for the position. Frequently, application can be accomplished on-line with a written resume and response to position-specific questions. Interns will be given appointments in the excepted service because the excepted service allows for hiring when the more traditional hiring process (including written tests) is not practical; however, if interns are going to be hired into certain administrative occupations or series--Budget Analyst, Personnel Management, and Administrative Officer are examples--specific, and somewhat lengthy, written examining must occur. A list of the occupations covered is available on the OPM web site, www.usajobs.opm.gov/b11.htm, under the section entitled, "Career Fields for the Outstanding Scholar Program."

Q4. Who is eligible to apply?

A4. Basic eligibility requirements are the same as for other Federal positions, e.g., veteran's preference does apply. Further, a non-citizen cannot be considered for appointment in an organization that has an appropriations act ban on hiring non-citizens.

Q5. Can a program office require that new interns sign a service agreement?

A5. Generally, no; however, service agreements may be required by program offices based on formal training requirements, or when the program office pays the cost of travel and transportation expenses and for movement of the intern's household goods.

Q6. What happens at the end of the 2-year program?

A6. If the intern is performing satisfactorily and the program office has the resources to continue the intern's employment, the intern may be "converted" non-competitively to the career Federal service. The intern does not accrue any "rights" to permanent Federal employment during the internship. U.S. citizenship is required for conversion to a permanent position.

Q7. Does this intern program mean that offices will not be able to establish their own intern programs?

A7. No. This program is intended to expand, not restrict, management options.

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STUDENT CAREER EXPERIENCE PROGRAM (SCEP)

Overview: More commonly known as the “Co-op” program, this entry-level program is a structured, year-round program that allows students at all educational levels (high school, college, graduate school, or certificate study) to perform work within the Department related to their academic program. There are a number of colleges and universities, high schools, and certificate programs whose students meet eligibility requirements. Students must be enrolled in school, and may work on a part-time or full-time basis. Upon completion of the educational and work requirements students may be non-competitively converted to permanent status.

Considerations: Recruitment is targeted and an organization’s needs are matched to an educational institution. Students are Federal employees and are hired at a grade level appropriate to their study level and work experience. For example, students at the university level are typically paid at the GS-3, GS-4 or GS-5 level. Key features include:

- Opportunity to improve diversity pool of candidates;
- Initial appointments may be made any time of the year;
- Work must be related to the student’s academic program;
- Open to all students (e.g., high school, college, graduate school, certificate programs);
- Written agreement among all parties;
- Flexible scheduling of work assignments; and,
- May be converted to career/career-conditional appointment after work/school requirements are met.

Payment: Students are paid for the hours that they work in the same manner as other Federal employees.

Authorization: Approval for co-op appointments is at the element level or below. Managers should check with their servicing Human Resources office or with the Corporate Human Resource Initiatives Staff (ME-50.1) at Headquarters.

References: 5 CFR 213.3202

STUDENT CAREER EXPERIENCE PROGRAM: *FAQ's*
(Frequently called Co-ops)

Q1. Does this type of student count against my “ceiling” or employee limits?

A1. Yes.

Q2. How much “flexibility” is there to my being able to fix a student’s work schedule—can I have him/her work a lot around the holidays, for example?

A2. There is lots of flexibility in setting work schedules. Students may work full-time or part-time at anytime during the year, and except for certain restrictions on part-time employees regularly working more than 32 hours per week, there is generally no limitation on the number of hours they can work per week. The DOE supervisor, the school, and the student should work together in developing a formal schedule to be sure it does not interfere with the student’s academic schedule.

Q3. How many hours must a “co-op” be carrying to be eligible for this program?

A3. No specific number of hours is required; but if enrolled in school, the students must be considered by their school as taking at least a half-time course load.

Q4. I know an engineering student who we would like to use as a “co-op” and who needs the money, but the only needs we have right now are in the administrative office. What can we do?

A4. Contact your servicing Human Resources office to find out about opportunities in other DOE organizations with positions related to the student’s academic/career goals. It is very important that the student be working on Federal tasks that support his/her academic program.

Q5. What about “certificate” schools? Are they eligible for providing “co-op” students? Are computer schools OK? What about secretarial colleges?

A5. Probably. Generally, an eligible “certificate” school is an accredited school that provides certificates for completion of specific program course work rather than one that simply provides certificates for completion of single courses.

Q6. Can a current employee become a “co-op”?

A6. Yes. Employees are not excluded provided they meet program eligibility requirements. They should be aware that they will be under a different

STUDENT CAREER EXPERIENCE PROGRAM: *FAQ's (cont.)*

appointment, and will be placed in a different tenure group in the case of a reduction-in-force.

Q7. We have a great “co-op” student but our budget has been cut, and she graduates next month! Can another office convert her into a competitive position there, even though she did all her “co-op” work in our office?

A7. Yes. Based on the DOE supervisor’s recommendation, the student may be converted to a position related to her academic training and the “co-op” work experience. Although the conversion may be within DOE or in another Federal agency, placement within DOE would give the Department a return on its training investment.

PRESIDENTIAL MANAGEMENT INTERN PROGRAM (PMI)

Overview: The PMI program is an entry-level career development and training program designed to attract outstanding individuals at the graduate degree level who have an interest in, and commitment to, a career in public service. Candidates are nominated by the Dean, Director or Chair of their academic program during their year of graduation and undergo a rigorous application and screening process conducted by the Office of Personnel Management. Once candidates are “finalists,” they are eligible to be appointed quickly and directly by any Federal agency.

Considerations: Key features of the PMI Program include:

- Candidates must have received or be scheduled to receive a graduate degree and have demonstrated an exceptional ability and personal interest in a career in public service;
- PMI finalists are appointed between the Spring and December 31 of the year in which they are selected as finalists.
- PMI’s engage in at least 80 hours of formal training a year and are provided at least one rotational assignment.
- Hiring offices must reimburse OPM a fee of \$4,800 per PMI to cover the costs associated with recruitment, selection, placement orientation, and graduation of PMI’s.

Payment: PMI’s are hired at the GS-9 level and are put on an accelerated career track, rotating through Federal agencies developing their management and leadership skills. PMI’s are eligible for non-competitive conversion to career or career-conditional status after 2 years and promotion to GS-12.

Authorization: As with other hiring authorities, the authority to hire is at the element level or lower; since payment to OPM is involved, budget approval may be required as well. Further guidance on the Presidential Management Intern Program may be obtained from your servicing Human Resources office.

References: 5 CFR Parts 362 and 315.708;
Executive Orders 12364, 12384 & 12645.

PRESIDENTIAL MANAGEMENT INTERN PROGRAM: *FAQ's*

Q1. Aren't PMI's expensive?

A2. There are costs associated with this program (i.e., hiring, training and travel, to name a few), but the intense competition for nomination and appointment program has produced employees with excellent leadership skills who tend to remain in Federal service. Managers who want to take advantage of this program should budget for it over several years.

Q2. Is this program open to all occupations?

A2. The authorizing Executive Orders and Federal regulations do not restrict the program to specific occupations; however, the program requires that the intern demonstrate an exceptional ability, a clear interest in, and a commitment to public service. This may have the practical effect of limiting the interest of some students. Also, nomination for the program must originate from the academic program. Federal agencies benefit from the pre-appointment application and examining process conducted by OPM.

Q3. I just need a good employee who can be trained in our internal budget process; would the PMI program be a good source?

A3. Although PMI's may eventually wind up in the budget organization, it is mandatory that the intern be allowed to take the requisite training and rotational assignment. Certainly, the PMI may be trained in budget-related areas and be sent on a rotation to another budget operation. That may be an effective, if expensive, way to get another pair of budget hands!

Q4. Can I promise a PMI employee that she won't be "rified" because of any future budget cuts?

A4. PMI's are in the excepted service during their internship. In a reduction-in-force, they do not "compete" with competitive service employees (through "bump" and "retreat"). Further, no other employees may bump or retreat into a PMI's position; however, since budget cuts cannot be predicted, it would be unwise to promise insulation from future budget cuts.

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APPENDIX A: COMBINED USE OF FLEXIBILITIES

The following table shows how the various flexibilities can be used in combination.

	Recruit- ment	Reloca- tion	Retention	Superior Qualifi- cations	Dual Compen- sation	Special Salary Rates
Recruitment	X	Yes	No	Yes	Yes	Yes
Relocation	Yes	X	Yes	Yes	Yes	Yes
Retention	Yes	Yes	X	No	Yes	Yes
Superior Qualifications	Yes	Yes	No	X	Yes	Yes
Dual Compen- sation	Yes	Yes	No	Yes	X	Yes
Special Salary Rates	Yes	Yes	Yes	Yes	Yes	X

ELIGIBILITY FOR VARIOUS FLEXIBILITIES

Some flexibilities can only be used for Federal employees; others for both Federal and non-Federal. The following table shows the various flexibilities and for which group they can be used.

	Recruit- ment	Reloca- tion	Retention	Superior Qualifi- cations	Dual Compen- sation	Special Salary Rates
Current Federal employees	No	Yes	Yes	No	No	Yes
External applicants	Yes	Yes	No	Yes	Yes	Yes

ADDITIONAL RESOURCES

1. DOE HCM Flexibilities Guide: <http://www.directives.doe.gov>
2. Navy Manager's Guide to Staffing:
<http://www.nps.navy.mil/Code22/stafforg.htm>
3. NASA Human Resources FAQ's:
http://www.nasa.gov/hq/standalone/codecp/page_132.html
4. INS (Dept of Justice) FAQ's:
<http://www.ins.usdoj.gov/graphics/workfor/benefits/types.htm>
5. Office of Personnel Management: www.opm.gov
6. Dept. of Interior: http://www.doi.gov/diversity/strategic_plan/toolbox.htm
7. "The Quest for Talent: Recruitment Strategies for Federal Agencies by National Academy of Public Administration." published 2001. Available at: <http://www.napawash.org/napa/index.html>

